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April 22, 2021

BY ECF

The Honorable John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Roderique et al.*, No. 21 Cr. 56 (JPC)
Joint Defense Request for Adjournment

Dear Judge Cronan:

We write jointly on behalf of all three defendants to respectfully request a sixty-day adjournment of the status conferences scheduled for the week of April 26, 2021. We have conferred with counsel for the government, who has no objection to this request and moves for the exclusion of time, under the Speedy Trial Act, to the date of the rescheduled conference. The additional time will be used in defense preparation and discussing possible pre-trial resolutions of the charges. The defendants have no objection to the government's application.

Discovery is enormous and includes key documents that have been marked sensitive. The government has redacted and downwardly designated those key documents, but, as demonstrated below, the incarcerated defendants have not received them. The discovery also includes surveillance video of the exterior of the North 15th Street building – the drug mill at the center of the charges against all three defendants. The video evidence consists of over 140,000 individual files and comprises 500 GB of data.

Mr. Roderique and Mr. Shannon, the two incarcerated defendants, have encountered obstacle after obstacle in reviewing the large discovery production in this case. On the positive side, Mr. Roderique, who is housed at the MCC New York, has been in possession of printouts of much of the non-sensitive documents for several weeks. In addition, counsel reviews discovery with Mr. Roderique in weekly videoconferences.

However, the MCC has thwarted efforts made by Mr. Roderique's defense team to bring discovery into the facility to review with Mr. Roderique. For years, perhaps decades, it has been the MCC's policy to allow legal visitors to bring CDs and DVDs into the facility to review with their clients. But, last Sunday, when my

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paralegal attempted to bring CDs into the MCC to review discovery with Mr. Roderique, she was advised by the guard at the front desk that CDs were not permitted and the paralegal was forced to leave the CDs in a locker.

Today, MCC Legal has advised me that the guard was incorrect and that the policy regarding CDs has *not* changed. The defense team will once again attempt to bring the CDs into the visiting room. But this has accounted for some delay.

Similarly, the government loaded a hard drive with the discovery that included redacted and downwardly designated documents. The government confirmed that the hard drive was delivered to the MCC on April 8. However, as of April 18, Mr. Roderique had not been able to review the contents of the hard drive. The hard drive was kept in the library, and library time is limited.

Counsel communicated with MCC Legal about this issue, inquiring whether the hard drive could be kept on Mr. Roderique's unit or whether his library time could be extended. In response, MCC Legal advised me today that the hard drive has been moved to his unit. Mr. Roderique can access the drive for three hours per day when he is out of his cell on the unit and can ask his unit manager should he need additional time on the unit to review discovery. These measures should prove helpful, but they have just been instituted, and Mr. Roderique needs more of an opportunity to meaningfully review the discovery.

As to Mr. Shannon, who is housed at Essex County Jail, he has not yet received the redacted and downwardly designated discovery from the government. That is not due to any fault on the part of the government but there have been logistical delays. Based upon counsel's experience with the Essex County Jail, counsel anticipates many restrictions on Mr. Shannon's ability to view the discovery once received. The procedure there is even more restrictive than at the MCC and basically consists of restricting each inmate to one-hour slots of time to be able to access the discovery and without the guarantee of being able to do so on a daily basis.

As to Ms. King, who is out on bond, counsel continues to review the massive surveillance video production with his client. Thirty-two days of surveillance video recordings from the exterior of the North 15th Street building, critical discovery relating to King, Shannon and Roderique, is splintered into over 140,000 individual clips. Upon further review, the video evidence will be among the most significant in inculpatory or exculpatory Ms. King, and she and her attorney need more time to review it.

For these reasons, the defendants jointly request an adjournment of sixty days for the next status conference. For scheduling purposes, we should inform your Honor that Mr. Spilke will begin selecting a jury in the Eastern District on May 17,

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and trial is expected to begin one to two weeks later. The trial is expected to be one to two weeks. We appreciate the Court's considerate attention to this important matter.

Respectfully submitted,

/s/ Ezra Spilke

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cc: All counsel of record by ECF

Defendants' request is granted. The conferences for Defendants Kareem Roderique and Robert Shannon, currently scheduled for the week of April 26, 2021, are adjourned to the week of June 28, 2021, at a time and date to be determined. The conference for Defendant King, currently scheduled for April 27, 2021, is adjourned to June 29, 2021 at 10:00 a.m.

In order to allow Defendants sufficient time to review the voluminous discovery in this case, time is excluded pursuant to the Speedy Trial Act from April 30, 2021 until July 2, 2021 pursuant to 18 U.S.C. § 3161(h)(7).

SO ORDERED.

Date: April 22, 2021
New York, New York


JOHN P. CRONAN
United States District Judge